

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DR. HUSSEIN A. SAAD, M.D.,

Case No. 24-10514

Plaintiff,
v.
F. Kay Behm
United States District Judge

HEALTHGRADES MARKETPLACE, LLC, a
foreign limited liability company and
RVO HEALTH, LLC, a foreign limited
liability company,

Defendants.

ORDER REGARDING DEFENDANTS' MOTION TO DISMISS (ECF No. 6)

Plaintiff Dr. Hussein A. Saad filed his complaint in the Wayne County Circuit Court on January 23, 2024, bringing claims for defamation (Count I), intentional infliction of emotional distress (Count II), and tortious interference with a business relationship (Count III) against Defendants Healthgrades Marketplace, LLC and RVO Health, LLC ("Defendants"). (ECF No. 1-1). Defendants removed this case to the United States District Court for the Eastern District of Michigan on February 28, 2024 based on the diversity of the parties. (ECF No. 1). Defendants then filed a motion to dismiss Plaintiff's complaint on March 22, 2024, arguing

that Plaintiff has failed to state a claim upon which relief can be granted. (ECF No. 6).

Fed. R. Civ. P. 15(a)(2) states that courts should grant leave to amend a complaint “when justice so requires.” Plaintiff has not yet filed an amended complaint. In the court’s view, under the present circumstances, allowing Plaintiff an opportunity to amend serves the ends of justice. Accordingly, without expressing any view regarding the merits of the motion to dismiss, the court will afford Plaintiff the opportunity to cure any purported deficiencies by filing an amended complaint. The court **ORDERS** that any amended complaint must be filed within 14 days of entry of this Order or within the time remaining for Plaintiff to respond to the motion, whichever is longer.

As a result, Plaintiff is presented with a choice of how to proceed, given that a motion to dismiss has been filed. Plaintiff may file an amended complaint, in which case the court will deny without prejudice the currently pending motion to dismiss as moot, or Plaintiff may file a response to Defendants’ motion. If Plaintiff elects not to file an amended complaint and instead files a substantive response, the court will rule on the pending motion and any dismissal may be with prejudice.

SO ORDERED.

Date: April 11, 2024

s/F. Kay Behm

F. Kay Behm

United States District Judge